UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,645	03/24/2004	William Michael McCardle	200600376-1	6121

22879   7590   01/14/2008

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER
TRAN, NGHI V

ART UNIT	PAPER NUMBER
2151	

NOTIFICATION DATE	DELIVERY MODE
01/14/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 07 November 2007.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-4,6-14,16-20 and 28-35* is/are pending in the application.

    4a) Of the above claim(s) *30-35* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-4, 6-14, 16-20, and 28-29* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed on May 17, 2007.

Claims 1-4, 6-14, 17-18, and 20 have been amended. Claims 5, 15, and 21-27 have

been canceled. Claims 28-35 have been added. Therefore, claims 1-4, 6-14, 16-20,

and 28-35 are presented for further examination.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

11/07/2007 has been entered.

Election/Restrictions

3.   Newly submitted claims 30-35 are directed to an invention that is independent or

distinct from the invention originally claimed for the following reasons:

I.   Claims 1-4, 6-14, 16-20, and 28-29, drawn to a method and/or software of

compute clustering identify a defined cluster, storing the physical locations

associating a plurality of images for use on different network devices,

classified in class 709, subclass 223.

II.   Claims 30-35, drawn to provide a GUI that receive information from a user

to create a defined cluster by pointing and clicking on a portion of the

plurality of receptor illustrated in the selection area, classified in class 715,

subclass 744.

4.   The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that

they are not disclosed as capable of use together and they have different modes of

operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In

the instant case the different inventions drawn to to create a defined cluster by pointing

and clicking on a portion of the plurality of receptor illustrated in the selection area.

5.   Because these inventions are distinct for the reasons given above and the

search required for Group I is not required for Group II, restriction for examination

purposes as indicated is proper.

6.   Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, claims 30-35 are withdrawn from consideration

as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP §

821.03.

Claim Rejections - 35 USC § 112

7.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8.   Claims 1 and 11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

9.   In claims 1 and 11, the applicants wrote "associating each stored receptor physical location of the defined cluster with a not necessarily same selected one of a plurality of images" (emphasized added). The examiner cannot find any support for this limitation. The examiner considers the "not" as a negative limitation. According to MPEP2173.05(i) "Any negative limitation or exclusionary proviso must have basis in the original disclosure". Since the applicants does not positively describe that associating each stored receptor physical location of the defined cluster with a not necessarily same selected one of a plurality of images, the examiner consider the limitation "not" as a new matter.

10.   Claims 2-4, 6-10, 12-14, 16-20, and 28-29 are rejected under 35 U.S.C. 112, first paragraph, because they are depending directly on independent claims 1 and 11.

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 1-4, 6-14, 16-24, and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Zimmer et al., United States Patent Number 7,051,215 (hereinafter

Zimmer), in view of Buchanan et al., United States Patent Application Publication

2003/0204503 (hereinafter Buchanan).

13.   With respect to claims 1, 11, and 21, Zimmer teaches a method of compute

clustering [see abstract and figs.1-3], comprising:

- identifying a defined cluster [col.1, ln.45 through col.2, ln.30], the cluster
  including a plurality of receptors [i.e. an interface plane **104** such as
  backplane and/or mid-plane, col.3, lns.62-66] in a chassis [i.e. rack mounted
  chassis **100**], each receptor configured to couple the chassis to a network
  device [i.e. blades **102** and/or **200**, figs.1-2], at least one of the plurality of
  receptors in the cluster being unoccupied by a network device [i.e. all slots in
  a chassis do not need to be occupied, col.3, lns.58-62];

- storing the physical locations [i.e. blade ID such as blade 1-N and/or MAC address, col.10, lns.60-67] associated with each of the plurality of receptors [fig.6 and col.10, lns.60-67];

- wherein storing the physical locations includes storing the physical location associated with the at least one receptor in the cluster that is unoccupied by a network device [col.12, lns.31-53 and col.3, lns.58-62].

However, Zimmer does not explicitly show associating each stored receptor physical location of the defined cluster with a not necessarily same selected one of a plurality of images; receiving a first selected image for a first network device of the defined cluster in accordance with the physical address of the receptor coupled to the first network device; and receiving a second selected image for a second network device of the defined cluster in accordance with the physical address of the receptor coupled to the second network device, wherein the second selected image is different from the first selected image.

In a clustered servers method, Buchanan discloses associating each stored receptor physical location of the defined cluster with a not necessarily same selected one of a plurality of images; receiving a first selected image for a first network device of the defined cluster in accordance with the physical address of the receptor coupled to the first network device; and receiving a second selected image for a second network device of the defined cluster in accordance with the physical address of the receptor coupled to the second network device, wherein the second selected image is different from the first selected image [paragraphs 0024-0034].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Zimmer in view of Buchanan by receiving a first selected image for a first network device of the defined cluster in accordance with the physical address of the receptor coupled to the first network device and receiving a second selected image for a second network device of the defined cluster in accordance with the physical address of the receptor coupled to the second network device, wherein the second selected image is different from the first selected image because this feature provides a multiple boot images [Buchanan, paragraph 0028]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to satisfy boot image sessions initiated by one or more client systems on the network [Buchanan, see abstract].

14.   With respect to claims 2, 12, and 22, Zimmer does not explicitly show receiving an image designated as a default image for a sub-plurality of receptors in the defined cluster.

In a related method, Buchanan discloses receiving an image designated as a default image [= the boot image server may assign the new session a default responsiveness with a high priority, see paragraph 0020].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Zimmer in view of Buchanan by receiving a default image because this feature provides a multiple boot images [Buchanan, paragraph 0028]. It is for this reason that one of ordinary skill in the art at the time of

the invention would have been motivated in order to satisfy boot image sessions

initiated by one or more client systems on the network [Buchanan, see abstract].

15.   With respect to claims 3, 13, and 23, Zimmer further teaches at least one of the

plurality of receptors in the cluster being unoccupied by a network device [i.e. all slots in

a chassis do not need to be occupied, col.3, lns.58-62];

However, Zimmer does not explicitly show associating the default image with the

at least one receptor in the defined cluster.

In a related method, Buchanan discloses receiving an image designated as a

default image [= the boot image server may assign the new session a default

responsiveness with a high priority, see paragraph 0020].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Zimmer in view of Buchanan by receiving a

default image because this feature provides a multiple boot images [Buchanan,

paragraph 0028]. It is for this reason that one of ordinary skill in the art at the time of

the invention would have been motivated in order to satisfy boot image sessions

initiated by one or more client systems on the network [Buchanan, see abstract].

16.   With respect to claims 4, 14, and 24, Zimmer does not explicitly show wherein

each of the plurality of images comprises a different physical location identifying

different software that operates to configure the plurality of receptors in the defined

cluster.

In a related method, Buchanan discloses wherein each of the plurality of images comprises a different physical location identifying different software that operates to configure the plurality of receptors in the defined cluster [paragraphs 0024-0034].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Zimmer in view of Buchanan by identifying a different physical location because this feature provides a multiple boot images [Buchanan, paragraph 0028]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to satisfy boot image sessions initiated by one or more client systems on the network [Buchanan, see abstract].

17.   With respect to claims 6, 16, and 26, Zimmer does not explicitly show wherein a master image comprises a physical location identifying software that operates to configure a selected receptor.

In a related method, Buchanan discloses wherein the master image comprises a physical location identifying software that operates to configure the selected receptor [paragraphs 0024-0034].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Zimmer in view of Buchanan by identifying a different physical location because this feature provides a multiple boot images [Buchanan, paragraph 0028]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to satisfy boot image

sessions initiated by one or more client systems on the network [Buchanan, see abstract].

18.   With respect to claims 7-10 and 17-20, Zimmer further teaches detecting the presence of a network device coupled to the at least one receptor in the defined cluster that was previously unoccupied; and in response to detecting the presence [col.3, ln.54 through col.4, ln.42].

However, Zimmer does not explicitly show automatically installing an image on the network device; providing message the user with the option of installing a default image on the network device; and overriding the image by installing the default image on the network device.

In a related method, Buchanan discloses automatically installing an image on the network device [paragraphs 0005 and 0008]; providing message the user with the option of installing a default image on the network device [paragraph 0020]; and overriding the image by installing the default image on the network device [= the boot image server may assign the new session a default responsiveness with a high priority, see paragraph 0020].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Zimmer in view of Buchanan by operating to configure the selected receptor via a physical location identifying software because this feature provides a multiple boot images [Buchanan, paragraph 0028]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been

motivated in order to satisfy boot image sessions initiated by one or more client systems

on the network [Buchanan, see abstract].

19.   With respect to claims 28 and 29, Zimmer further teaches storing a set of

attributes for the defined cluster [= manage blade activities, col.4, ll.39-42 and col.3,

ll.57-62]; expand the cluster by identifying additional receptors [= blades can be added

or removed "hot swapped" on the fly, col.3, ll.62 through col.4, ll.6].

However, Zimmer does not explicitly show update a network device coupled to a

newly identified receptor in the defined cluster automatically using the store set of

attributes.

In a related method, Buchanan discloses update a network device coupled to a

newly identified receptor in the defined cluster automatically [paragraphs 0005 and

0008] using the store set of attributes [paragraph 0020 and 0027-0028].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Zimmer in view of Buchanan by updating a

network device coupled to a newly identified receptor in the defined cluster

automatically using the store set of attributes because this feature provides a multiple

boot images [Buchanan, paragraph 0028]. It is for this reason that one of ordinary skill

in the art at the time of the invention would have been motivated in order to satisfy boot

image sessions initiated by one or more client systems on the network [Buchanan, see

abstract].

Response to Arguments

20.   Applicant's arguments with respect to claims 1-4, 6-14, 16-20, and 28-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

21.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Thursday and every other Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. .The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi Tran
Patent Examiner
Art Unit 2151

January 03, 2008

***
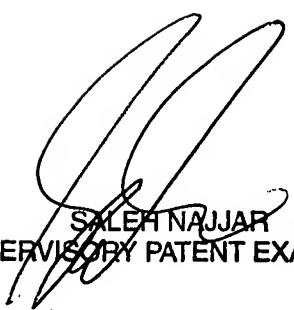
SALEH NAJJAR
SUPERVISORY PATENT EXAMINER